FC 2014-071278 11/20/2014

HONORABLE KATHLEEN MEAD

CLERK OF THE COURT
D. Berkland
Deputy

IN RE THE MATTER OF DANIEL VILORIA

STEPHANIE HARPER EASTERLING

AND

LARK ROSENFELD WILLIAM TATTNALL RUSH

ALTERNATIVE DISPUTE RESOLUTION - CCC

MINUTE ENTRY

Courtroom 121 – NWR

11:30 a.m. This is the time set for Status Conference. Petitioner/Father is present and is represented by counsel, Stephanie Harper Easterling. Respondent/Mother is present and is represented by counsel, William Tattnall Rush.

A recording of this proceeding is made by CD (FTR) in lieu of a court reporter.

Discussion is held with regard to the history of the above-captioned matter.

Pursuant to the discussion held,

REFERRAL TO ADR RE: SETTLEMENT CONFERENCE

IT IS ORDERED affirming the Settlement Conference set for April 7, 2015 at 9:30 a.m. before Judge *Pro Tempore* Donna Williams. Counsel and/or the parties will receive a Docket Code 089 Form D000C Page 1

FC 2014-071278 11/20/2014

notice from ADR setting forth the necessary settlement conference information. Counsel and/or the parties should notify ADR (602-506-7884) when the parties reach an agreement prior to the scheduled settlement conference.

TRIAL SETTING

IT IS FURTHER ORDERED setting Trial on April 15, 2015 at 9:00 a.m. (2 hours allotted) in this division before:

The Honorable Kathleen Mead Maricopa County Superior Court 14264 West Tierra Buena Lane Courtroom 121 Surprise, AZ 85374

Failure of a party to appear at the stated time for the hearing may result in the court allowing the party who does appear to proceed by default. Failure of both parties to appear on time may result in this action being dismissed.

IMPORTANT: YOU MUST FILE A PRETRIAL STATEMENT AND SUBMIT YOUR EXHIBITS AS DESCRIBED BELOW IN ADVANCE OF THE TRIAL. FAILURE TO COMPLY MAY RESULT IN DENIAL OF SOME OR ALL OF THE RELIEF REQUESTED.

IT IS FURTHER ORDERED:

1. <u>Pretrial Statements</u>. The parties shall file and provide this Division and the opposing party with a copy of a **Joint Pretrial Statement** or **Separate Pretrial Statements** pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days before trial. If US mail is used to provide the pretrial statement, enough time should be taken to ensure that the Court and the opposing party receive the document no later than 5 days before trial.

The Pretrial Statement shall include:

- a. All information required by Rule 76.
- b. A description of each disputed issue the court must decide, and a statement of each party's position on that issue. Absent good cause shown, failure to list an issue in the Pretrial Statement will be deemed a waiver of that issue.

FC 2014-071278 11/20/2014

c. If there are disputed legal decision making (formerly "legal custody") or parenting time (formerly "visitation") issues, a specific proposal for legal decision making and parenting time.

- d. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party.
- e. If there are disputed issues regarding property and debt, a detailed Inventory of Property and Debts, including each party's proposed division of property and debts.
- f. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
- g. A list of witnesses to be called at trial. Absent good cause shown, failure to list a witness will result in that witness being excluded.
- h. A list of exhibits to be used at trial. Absent good cause shown, failure to list an exhibit will result in that exhibit being excluded.
- i. A list of objections to the other party's exhibits. Any objection not listed in the Pretrial Statement will be deemed waived.
- 2. <u>Trial Exhibits</u>. Exhibits for use at trial shall be delivered to the Clerk of this Division at least **five** (5) **business days** before trial for marking, not including weekends, holidays or the day of the proceeding. All exhibits must be clearly identified, **SEPARATED BY A COLORED sheet AND hand delivered to this Division <u>NO LATER THAN FIVE (5)</u> <u>BUSINESS DAYS</u> prior to trial. In addition, each party shall deliver a copy of his/her exhibits to the opposing parties at least five business days before trial. Duplicate exhibits shall not be presented.**

Exhibits not provided to the Division five (5) days prior to the hearing may not be marked by the Clerk of Court. Additional time required to mark exhibits during the proceeding shall be deducted from the time allotted to the party requesting same.

If US mail is used to provide the trial exhibits, enough time should be taken to ensure that the Court and the opposing party receive the exhibits no later than 5 days before trial.

This Division does not require that an extra copy of exhibits be provided to the judge on the day of the trial.

FC 2014-071278 11/20/2014

NOTE: We <u>do not</u> hold spots for supplemental exhibits.

- 3. <u>Witnesses</u> Be aware that due to time limitations and the importance of each party's testimony, there may be insufficient time to call witnesses at trial. All witnesses must be disclosed in advance to the opposing party as provided by the Arizona Rules of Family Law Procedure. Unless otherwise instructed by the Court, **DO NOT BRING MINOR CHILDREN TO THE COURT AT ANY TIME.**
- 4. <u>Time Allotted</u>. Each party presumptively will be allowed half of the available time to present all direct, cross and redirect examination and any argument. For each hour of trial time, this court generally allocates 25 minutes to each party. The parties are expected to complete the trial in the allotted time. If a party believes that more trial time is needed, he or she must file a motion at least 30 days before the trial setting forth good cause to enlarge the trial time. Failure to timely file such a motion will be deemed a waiver of any argument that more trial time is needed.
- 5. <u>Settlement</u>. Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the court as required by Rule 70, Arizona Rules of Family Law Procedure. If the parties reach a full settlement before trial, the court will vacate the trial only if (1) it receives a Notice of Settlement pursuant to Rule 70, Arizona Rules of Family Law Procedure, or (2) both parties inform the court of the settlement in an on-the-record telephonic conference. Oral notification to court staff or voicemail messages left with the court are insufficient. If the parties desire to place agreements on the record, they should contact this Division to schedule a telephonic conference.
- 6. <u>Continuances</u>. Motions to continue the trial filed more than 30 days before trial will not be granted absent a showing of good cause. Motions to continue the trial filed less than 30 days before trial will not be granted absent a showing of extraordinary circumstances.

7. <u>Disclosure and Discovery</u>.

- a. Both parties shall complete all disclosure required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to trial.
- b. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure shall be completed 15 days before trial.
- 8. <u>Discovery And Other Pre-Trial Disputes</u>. If the parties have a dispute concerning discovery matters, or any other pre-trial dispute that requires court intervention, they shall Docket Code 089

 Form D000C

 Page 4

FC 2014-071278 11/20/2014

contact this division to schedule a telephonic conference before filing formal discovery motions. Before such telephonic conference, counsel or the parties shall personally consult with each other to either resolve the dispute or narrow the issues.

- 9. **Trial Record.** All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.
- 11:39 a.m. Court stands at recess to allow counsel and the parties an opportunity to discussion the 2014 holiday parenting schedule.
 - 11:54 a.m. Court reconvenes with respective parties and counsel present.

A recording of this proceeding is made by CD (FTR) in lieu of a court reporter.

Counsel for Father advises the Court that the parties have agreed on holiday parenting time schedule and a temporary parenting time schedule.

Discussion is held.

Pursuant to stipulation of the parties,

- IT IS ORDERED entering the following temporary parenting time and holiday schedule:
 - Commencing on Thursday, November 20th, Father will have parenting time with both children every other weekend from Thursday, at 5:00 p.m. through Saturday, at 7:00 p.m.;
 - O Thanksgiving 2014: Mother will have parenting time with both children all day on Thanksgiving Day through Friday, at 10:00 a.m. at which time Father will pick the children up from Mother's residence and keep both children in his care until Saturday, November 29th at 9:00 p.m.;
 - o <u>Christmas Eve 2014</u>: Father will have parenting time with both children from December 24th at 5:00 p.m. until 10:00 p.m. on December 24th;
 - Christmas Day 2014: Mother will have parenting time with both children commencing at 10:00 p.m. on December 24th through Christmas Day;

FC 2014-071278 11/20/2014

o New Year's Eve 2014/2015: Father will have parenting time with both children from December 31st at 5:00 p.m. until 10:00 a.m. on January 1st;

- o New Year's Day 2015: Mother will have parenting time with both children commencing at 10:00 a.m. on January 1st;
- Absent any other agreement between the parties, the parent commencing their parenting time shall be responsible for picking the children up from the other parent;

Daniel Viloria and Lark Rosenfeld are sworn and answer questions presented by the Court with regard to their temporary agreements as set forth above.

IT IS FURTHER ORDERED that both children shall be permitted to attend Father's wedding, in Sedona, Arizona, on Saturday, November 29th.

IT IS FURTHER ORDERED signing this minute entry as a formal Order of the Court this 20^{th} day of November 2014.

/s/ Hon. Kathleen Mead

Honorable Kathleen Mead
Superior Court Judge

12:04 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: http://www.superiorcourt.maricopa.gov.